

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 2942-02
BILL NO. HB 1800
SUBJECT: Probation and Parole
TYPE: Original
DATE: February 18, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	Exceeds \$100,000	Exceeds \$100,000	Exceeds \$100,000
Total Estimated Net Effect on <u>All</u> State Funds	Exceeds \$100,000	Exceeds \$100,000	Exceeds \$100,000

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Attorney General, Office of Governor, Office of State Public Defender**, and the **Office of Prosecution Services** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would expand the duties of the Board of Probation and Parole by requiring it to review all case histories of all offenders who have no possibility of parole and make a recommendation to the governor to either grant or deny executive clemency. CTS does not anticipate a direct impact on the workload of the courts, although there may be one or more cases filed to test the parameters of the law.

Oversight assumes this proposal would require the Board of Probation and Parole to review thoroughly the case history of all offenders who have no possibility of parole if the offender 1) has no prior felony conviction, 2) has served at least fifteen years of such sentence, and 3) has exhausted all of such offender's appeals in both state and federal court. The board shall make a recommendation to the governor to either grant or deny executive clemency, thereby making the offender eligible for parole after serving 20 years of his or her sentence. Offenders released will remain under the supervision of the board for at least 5 years.

In response to previous proposals, the Department of Corrections (DOC) assumed, if additional persons are sentenced to the custody of the DOC due to the provisions of new legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (average \$35.00 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average of \$3.00 per offender, per day). Therefore, Oversight assumes DOC will incur a savings of \$58,400 ($\$32 \text{ per day} \times 365 \text{ days} \times 5 \text{ years} = \$58,400$) for every offender granted executive clemency by the governor.

Oversight cannot predict the recommendations to be made by the Board of Probation and Parole, nor can it predict the actions to be taken by the governor based on those recommendations; however, even if the governor grants clemency in only two cases per year, this proposal could result in savings to DOC in excess of \$100,000 per year.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE			
<u>Savings</u> - Department of Corrections Decrease in per diem costs	Exceeds \$100,000	Exceeds \$100,000	Exceeds \$100,000
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	0	0	0

FISCAL IMPACT - Small Business

No direct fiscal impact on small businesses would be expected due to this proposal.

DESCRIPTION

The proposed legislation expands the duties of the Board of Probation and Parole. The board is required to review thoroughly the case history of all offenders who have no possibility of parole. Within 30 days of the review, the board will prepare a report to the governor with the recommendation to either grant or deny executive clemency, thereby making the offender eligible for parole after serving 20 years of his or her sentence. Offenders released will remain under the supervision of the board for at least 5 years.

The proposal establishes criteria to be used by the board when conducting its reviews and making recommendations. Offender reviews and recommendations must be made every 3 years.

This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Office of Attorney General
Office of State Courts Administrator
Office of Governor
Office of State Public Defender
Office of Prosecution Services

NOT RESPONDING: Department of Corrections

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive script.

Jeanne Jarrett, CPA
Director
February 18, 2000